



## **Harassment (Including Bullying) Code of Practice**

### **Policy**

The College will not tolerate harassment of or by any of its members, including its academic and non-academic staff, students and visitors.

The College seeks to ensure that its environment is sympathetic to all College members.

The College has published this code of practice to inform its members of the type of behaviour that is unacceptable and provide members who are the victims of personal harassment with a means of redress.

The College recognises that it has a duty to implement this policy and all members are expected to comply with it.

### **Definition of harassment**

Harassment is deemed to have taken place whenever, in the context of the working environment or academic or social life of the College, a member has behaved in such a manner towards another member as to:

- violate that person's dignity
- cause distress or annoyance serious enough to disrupt the work or substantially reduce the quality of life of that person
- create or maintain an intimidating, hostile, degrading, humiliating, offensive, stressful or unpleasant environment for that person, such as by verbal or physical abuse or other ill-treatment

Forms of harassment covered above include unwelcome sexual advances and harassment depending on another's race, colour, ethnic or national origin, religion, belief, political opinion or affiliation, gender, marital status, sexual orientation, gender reassignment, age or disability

In addition, conduct which between equals might not be seen as harassment may become so when a difference in status of the persons concerned makes the recipient feel less able to put a stop to it easily.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident may also amount to harassment.

The other person's motives are not the main factor in deciding if behaviour amounts to harassment. Just because certain behaviour may be acceptable to the alleged harasser or another person does not mean it is not harassment.

Freedom of speech and academic freedom are protected by law though these rights must be exercised within the law. Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

## **Bullying**

Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It may not be based, or may not appear to be based, on gender, race or any other specific factor.

## **Victimisation**

Victimisation occurs specifically when a person is treated less favourably because they have asserted their rights under this guidance, either in making a complaint or in assisting a complainant in an investigation. The College will protect its members from victimisation for bringing a complaint or assisting in an investigation. Victimisation is a form of misconduct which may in itself result in disciplinary action, regardless of the outcome of the original complaint of harassment.

Examples of behaviour that may amount to harassment include:

- suggestive comments or body language
- verbal or physical threats
- insulting, abusive, threatening, embarrassing or patronising behaviour or comments
- insensitive jokes and pranks
- offensive gestures, language, rumours, gossip or jokes
- humiliating, intimidating, demeaning and/or persistent criticism
- open hostility
- lewd or abusive comments about appearance
- isolation or exclusion from normal work or study place, conversations, or social events
- publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive pictures, writing or other materials
- unwanted physical contact, ranging from an invasion of space to a serious assault

(The above list is not intended to be exhaustive.)

All these examples may amount to *bullying*, particularly when the conduct is coupled with the inappropriate exercise of power or authority over another person.

Many of the above examples of behaviour may occur through the use of any form of electronic media or mobile communications device: such behavior may also amount to a breach of the University's Regulations Relating to the use of Information Technology Facilities.

Being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for harassment, and may be regarded as an aggravating feature.

Stalking may also be a form of harassment and may be characterized by any of the following repeated and unwanted behaviours:

- following a person
- contacting, or attempting to contact, a person by any means
- publishing any statement or other material relating or purporting to relate to a person, or purporting to originate from a person
- monitoring the use by a person of the internet, email or any other form of electronic communication
- loitering in any place (whether public or private)
- interfering with any property in the possession of a person
- watching or spying on a person including through the use of CCTV or electronic surveillance

## **Complaining about personal harassment**

### **Criminal offence**

When a criminal offence may have been committed, the relevant harassment procedures set out in the following sections may not be appropriate. These cases will include, but not be limited to, serious assault, threat of serious assault or stalking. Student members can seek advice directly from the University's Director of Student Welfare and Support Services' office and / or approach the police directly; and staff members can seek advice from the University's Director of Human Resources and / or approach the police directly. Junior members of the College may request assistance in making such contact from a member of the College staff with a welfare role, including, but not limited to, members of the Decanal team, the Harassment Advisor, the Tutor for Undergraduates, the Tutor for Graduates, Moral Tutors and the Chaplain.

### **College procedures: informal complaint**

Given the range of behaviour that the term harassment encompasses and the difficulty in defining it precisely, it is hoped that, wherever possible, instances can be dealt with satisfactorily in an informal manner. Complaints of such conduct will, however, be taken seriously and may lead to disciplinary action. In all cases, confidentiality shall be observed as far as is reasonably possible by all persons involved, and every effort will be made to ensure that neither the complainant nor a respondent is subject to reprisals or discrimination of any kind.

The College recognises that complaints of personal harassment and particularly of sexual harassment can sometimes be of a sensitive or intimate nature. In these circumstances you are encouraged to raise such issues with a confidential helper of your choice. Such a helper may be (i) a senior colleague (whether or not that person has a direct supervisory responsibility for you) if you are a member of College academic or non-academic staff or (ii) a member of academic staff, the JCR or MCR President, or a student Welfare Representative if you are a student. This person should not be the person, identified below, responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. You

may wish to do this in person or by sending an email, and your confidential helper may be able to assist you in this.

At any stage in the process you, or your confidential helper, can also approach the Equalities Advisor for confidential advice and assistance. If an informal route does not appear to be resolving the issues, then you must involve the Equalities Advisor before making a formal complaint.

### **College procedures: formal complaint**

Where the Equalities Advisor has failed to resolve the issues or if the harassment is more serious, a formal written complaint may be made.

- A formal complaint *from a member of non-academic staff against any party* should be made to the Domestic Bursar (unless the complainant is the Domestic Bursar, in which case it should be made to the Bursar), either directly or with the assistance of your confidential helper.
- A formal complaint *against a member of non-academic staff by any party* should be made to the Domestic Bursar (unless the complaint is against the Domestic Bursar, in which case it should be made to the Bursar), either directly or with the assistance of your confidential helper.
- A formal complaint *against a student* should be made to the Dean (unless the complainant is a member of non-academic staff, in which case it should be made to the Domestic Bursar), either directly or with the help of your confidential helper.
- A formal complaint *against a member of academic staff*, should be made to the Senior Tutor (unless (i) the complainant is a member of non-academic staff, in which case it should be made to the Domestic Bursar; or (ii) the complaint is against the Senior Tutor, in which case it should be made to the Tutor for Undergraduates or Tutor for Graduates, whoever is most applicable), either directly or with the help of your confidential helper.

If possible, you should keep notes of the harassment so that the written complaint can include:

- the name of the alleged harasser
- the nature of the alleged harassment
- the dates and times when the alleged harassment occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment

On receipt of a formal complaint the person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence that cannot be justified may result in disciplinary action.

On conclusion of the investigation a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You or the alleged harasser have the right to appeal against the findings of the investigator. For members of non-academic staff, this will be in accordance with the appeal provisions of the grievance procedure. For academic staff this will be in accordance with the appeal provisions set out in the College Statutes and Byelaws. For students this will be in accordance with the appeal provisions set out in the College's non-academic discipline policy relating to student conduct.

### **Important notes**

If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action. For members of non-academic staff, this will be in accordance with the College's disciplinary and disciplinary dismissal procedure. Any member of non-academic staff who receives a formal warning or who is dismissed for harassment may appeal by using the College's capability/disciplinary appeal procedure. Academic-staff will be disciplined in accordance with the College Statutes and Byelaws. Students will be disciplined in accordance with the College's rules and regulations and non-academic disciplinary procedures policy relating to student conduct.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is untrue and either that you knew this to be the case or that you brought it with vexatious or malicious intent, disciplinary action will be taken against you.

### **Additionally**

In addition to College procedures, any member of the University community who feels that they have been subject to harassment can contact the University's Harassment Advisory Service, or their local harassment advisor, for support. The Service is also available to those against whom an allegation of harassment has been made. Other sources of help and advice can be found at the University's Harassment Advice website: <http://www.admin.ox.ac.uk/eop/harassmentadvice/>

All College policies are considered with reference to the Government's Equality Act 2010: <https://www.gov.uk/guidance/equality-act-2010-guidance>

Appeals information: <https://www.ox.ac.uk/students/academic/conduct?wssl=1>

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